

Board Members

Maryann Santos de Barona, Ph.D.
Chairperson
James J. Cox, Ed.D.
Vice-Chairperson
Joseph C. Donaldson
Secretary
Wil R. Counts, Ph.D.
Manuel H. Delgado, Jr., J.D.
Miki Paul, Ph.D.
Byron N. Rimm
Michael J. Rohrbaugh, Ph.D.
David P. Yandell, Ph.D.



State of Arizona Board of Psychologist Examiners

1400 West Washington, Suite 235
Phoenix, Arizona 85007

Phone: (602) 542-8162 Fax: (602) 542-8279
www.psychboard.az.gov info@psychboard.az.gov

Staff

Maxine McCarthy
Executive Director

Marcus E. Harvey
Deputy Director

David S. Shapiro
Investigator

Shari S. Courtney
Administrative
Assistant

TELEPHONE CONFERENCE CALL MINUTES

Thursday, February 12, 2004

Regular Session
1400 West Washington, Ste. 235
Phoenix, Arizona 85007

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairperson Santos de Barona at 7:35 a.m. on Thursday, February 12, 2004. No Executive Sessions were held.

2. ROLL CALL

Board Members Participating by Telephone

Maryann Santos de Barona, Ph.D. - Chairperson
Joseph C. Donaldson - Secretary¹
Wil R. Counts, Ph.D.
Manuel H. Delgado, Jr., J.D.
Byron N. Rimm
Michael J. Rohrbaugh, Ph.D.
David P. Yandell, Ph.D.

Staff Present

Maxine McCarthy, Executive Director
Marcus Harvey, Deputy Director

Attorney General's Office

Nancy J. Beck, J.D.
Assistant Attorney General

Board Members Not Participating

James J. Cox, Ed.D. - Vice-Chairperson
Miki Paul, Ph.D.

3. DISCUSSION/DECISION REGARDING PROPOSED LANGUAGE FOR SENATE BILL 1237

Maxine McCarthy, Executive Director, explained to the Board that a member of the Arizona Psychological Association's (AzPA) Forensic Committee had informed her that the committee would be proposing a counterproposal to the Board's compromise language approved by the Board at its February 6, 2004 meeting. The Board had received a previous draft of their counterproposal on February 10, 2004, but a committee member informed Ms. McCarthy yesterday that the committee would be submitting yet another revised draft. The Board just received a copy of this revised counterproposal from AzPA this morning and distributed it to the Board members via e-mail, Ms. McCarthy stated.

Board members then proceeded to discuss the two counterproposals. Board members were opposed to effectively exempting a certain segment of its licensees from review by the Board. All licensees should be entitled to the same requirements and protection of law, and all consumers of

¹ Present at 7:44 a.m.

psychological services should have direct recourse to the Board, whether receiving clinical or judicially-ordered services. Board members also believed that requiring the court to request that the Board appoint a consultant who would make recommendations to the court on referring complaints to the Board raised substantial constitutional concerns regarding separation of powers.

Board members further noted that not reporting dismissed complaints "in any manner" would be problematic. Public records laws, open meeting laws, records retention laws, and Board statutes require the Board to keep a record of all Board actions taken regarding all licensees. The Board's compromise language passed by the Board at its meeting of February 6, 2004 addressed this issue by stating that complaints dismissed by a complaint committee would not be disclosed by telephone or on the Board's website. No telephone or website disclosures of dismissed cases were the principal concerns expressed by member's of the AzPA committee at the meeting with Senator Leff on February 4, 2004. The Board's February 6th counterproposal specifically remedied those concerns.

Dr. Santos de Barona made a motion, seconded by Dr. Rohrbaugh, and unanimously carried (7-0), to oppose AzPA's Forensic Committee proposal of February 10, 2004 or any future proposal that:

1. Requires that complaints against psychologists arising out of a judicially-ordered evaluation can only be referred to the Board by the courts.
2. Requires the court to request that the Board appoint a consultant with expertise in forensic practice to investigate a complaint against a psychologist arising out of a judicially ordered evaluation and to make recommendations to the court.
3. Requires that complaints dismissed after review by a committee not be disclosed, recorded or reported in any manner.

The Board then discussed the revised proposal of AzPA's Forensic Committee. Mr. Rimm made a motion, seconded by Dr. Yandell, and unanimously carried (7-0), to also oppose AzPA's Forensic Committee revised proposal of February 12, 2004. Board members noted that the proposed review by an independent expert consultant for complaints whenever requested by the licensee or complainant is ambiguous, would be costly, and may require the Board to increase licensing fees for all licensees. The Board already seeks such consultation when it is warranted, and such a process would only result in delaying the resolution of complaints. The Board maintained its support for its compromise language passed at the February 6, 2004 meeting.

4. ADJOURNMENT

There being no further business to come before the Board, a motion was made by Mr. Delgado, seconded by Dr. Rohrbaugh, and unanimously carried (7-0), to adjourn the meeting at 8:14 a.m.

Prepared by:

**Marcus Harvey
Deputy Director**

Respectfully submitted,

**/s/ Joseph C. Donaldson
Secretary**